

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Oded Grinberg

Application No.: 10/734,550

Filed: December 11, 2003

For: TECHNIQUES FOR PREVIEWING  
CONTENT PACKAGE FILES  
THROUGH A PORTAL

Confirmation No. 2429

Examiner: Dhairya A. Patel

Technology Center/Art Unit: 2151

APPELLANTS' BRIEF UNDER  
37 CFR §41.37

Mail Stop Appeal Brief  
Commissioner for Patents  
P.O. Box 1450  
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Sir:

Further to the Notice of Appeal mailed on March 22, 2007 for the above-referenced application, Appellants submit this Brief on Appeal.

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### **1. REAL PARTY IN INTEREST**

At the time of the filing of this appeal brief, SAP AG is the real party in interest for this appeal.

### **2. RELATED APPEALS AND INTERFERENCES**

No other appeals or interferences are known which will directly affect, are directly affected by, or have a bearing on the board decision of the pending appeal.

### **3. STATUS OF CLAIMS**

Claims 1-28 are currently pending in the application, but stand rejected by the U.S. Patent and Trademark Office (hereinafter "Office"). Claims 1-24 were originally filed in the application on December 11, 2003. Claims 1, 11, 15, 19 and 21 were amended in an Amendment filed on July 29, 2005. Claims 1, 11 and 19 were again amended in an Amendment filed on January 10, 2006 and claims 25-28 were added at that time. Claims 1, 11, 19 and 25 were amended in an Amendment filed on August 23, 2006.

Claims 1-28 are believed improperly rejected and are the subject of this appeal. A copy of the claims as rejected is attached as an Appendix.

### **4. STATUS OF AMENDMENTS**

All Amendments have been entered. No amendments have been filed subsequent to the Final Office Action mailed on November 22, 2006 (hereinafter "Final Office Action").

### **5. SUMMARY OF CLAIMED SUBJECT MATTER**

Each of independent claims 1, 11, 19, and 25 relates to methods and/or apparatus and/or computer media containing code for previewing generation of content package files, specifically methods for generating a preview or previewing a content package file.

In generating a preview or previewing (Original Application, ¶¶[0023], [0024], [0028]; Fig. 1, steps 114, 115; Fig. 2, "preview screen"), references to first level content are retrieved (Original Application, ¶¶[0025], [0027]; Fig. 1, step 112) and references in those first

level content files are removed and replaced with extracted content of those first level content files (Original Application, ¶¶[0025]-[0028]; Fig. 1, step 113).

## **6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1-28 were rejected in seven separate rejections using combinations of references, each combination including U.S. Patent Publication No. 2002/0120639 (now U.S. Patent No. 6,879,988) published for Basin et al. (hereinafter "Basin") and one or more of:

- U.S. Patent No. 6,160,544, issued to Krause et al. (hereinafter "Krause");
- U.S. Patent No. 6,771,384, issued to Laverty et al. (hereinafter "Laverty");
- U.S. Patent Publication 2003/0140065 to Lovvik et al. (hereinafter "Lovvik"); or
- U.S. Patent No. 6,772,338 issued to Hull et al. (hereinafter "Hull").

While the proposed grounds of rejection to be reviewed on appeal is whether any of claims 1-28 could properly be rejected over any of the cite references, the specific rejections of the Final Office Action that are to be reviewed are:

- whether claims 1-7 and 10-16 are unpatentable under 35 USC §103(a) over Basin in view of Krause further in view of Laverty;
- whether claims 7 and 17 are unpatentable under 35 USC §103(a) over Basin in view of Krause further in view of Laverty further in view of Lovvik;
- whether claims 8-9 are unpatentable under 35 USC §103(a) over Basin in view of Krause further in view of Laverty further in view of Lovvik further in view of Hull;
- whether claim 18 is unpatentable under 35 USC §103(a) over Basin in view of Krause further in view of Hull;
- whether claims 19-24 are unpatentable under 35 USC §103(a) over Basin in view of Lovvik further in view of Krause further in view of Laverty;
- whether claims 25-26 are unpatentable under 35 USC §103(a) over Basin in view of Laverty; and
- whether claims 27-28 are unpatentable under 35 USC §103(a) over Basin in view of Laverty further in view of Hull.

## **7. ARGUMENT**

In the Office Action, the Examiner combined up to five separate references to support findings of obviousness. Setting aside whether it is appropriate to combine these references, even the combination of the references do not disclose or suggest each element of a rejected claim, so those rejections should be reversed. While the dependent claims (2-10, 12-18, 20-24 and 26-28) may recite further elements that are not disclosed or suggested in the cited references, each of the independent claims (1, 11, 19 and 25) recite elements not disclosed or suggested in the cited references and that alone is enough to warrant reversal of the rejections.

For a rejection to be maintained under 35 USC §103(a), the Examiner is charged with factually supporting a *prima facie* case of obviousness. MPEP §2142. Such a *prima facie* case requires, *inter alia*, that all limitations of the claims be taught or suggested by the cited references and that there be some suggestion or motivation to combine and/or modify the reference teachings as the Examiner proposes. MPEP §2143.

In this instance, each of the Examiner's rejections involved the Basin reference, in combination with other references. The Examiner appears to have cited Basin as showing "extracting content from the first level content files and replacing references to the first level content files in the content package file with the content extracted from the first level content files to create a combined file" and "removing the references from the combined file", in paragraph 3 of the Final Office Action.

In responses to Office Actions, Applicant has taken the position that the originally filed specification teaches that a combined file is created from the content package file with references to the first level content files replaced with content extracted from those files and those references so replaced are removed and explained that Basin only shows a list of filenames, not any content (see, for example, Fig. 9 of Basin). Thus, even if it were assumed that Basin's filenames were identical to the claimed references, Basin would not suggest the claimed element, at least because Basin does not have the claimed combined file. Basin describes how to extract files from an archive in paragraph 37 (referring to paragraph numbering provided in the published application) and describes how to add or delete files from an archive and even that a "to be deleted" icon can be displayed next to a file identifier, but this does not constitute a combined file.

Furthermore, paragraphs 10 and 12 of Basin relate to file shortcuts and even if Basin's file shortcuts were assumed to be identical to the claimed references, merely removing file shortcuts from an archive is not the same as removing references from a combined file, since there is no combined file in Basin to remove the references from. It should be noted that an archive of multiple files is not the same as a combined file, and the claimed combined file is not the same as merely a content package file.

Applicant provided several explanations, in responses to Office Actions, that the claimed combined file is not the same as a mere archive of multiple files, but includes replaced and removed references.

In the Advisory Action Before the Filing of an Appeal Brief ("Advisory Action"), the Examiner responded that the application is not in a condition for allowance because Basin teaches the creation of a zip file and is apparently asserting that this is the claimed combined file, which is not the case.

In that Advisory Action, the Examiner also responded to Applicant's position that Basin fails to teach removing the references from the combined file with the position that when Basin's zip file is modified, the edit before saving provides deleting, i.e., removing references from a combined file. As Applicant has consistently argued, deleting is not replacing references with content and removing the references, it is just deleting. Once a file is deleted from a zip file and then compressed on saving, there is no content of the deleted file in the zip file to be displayed as part of a preview. Replacing references with content allows for a preview to contain content extracted from the first level content files referenced by the removed references. This point seems quite clear.

In that Advisory Action, the Examiner also responded to Applicant's argument that Krause also fails to teach a preview display that contains the claimed elements, for example, at least some of the content extracted from the first level content files and content from the content package file. These limitations appear in the claims (e.g., lines 10-12 of claim 1) and thus cannot just be ignored. Krause discloses at most a preview of a file's content, and the Examiner responded that Krause allows one to review metadata for a file or view the contents of the file in another window. This is not what is being claimed, as should be clear from the above.

Finally, in that Advisory Action, the Examiner responded to Applicant's position that Basin and Krause fail to teach or suggest various other elements of the claims by taking the position that the references teach those elements, however the same issue remains – those references do not teach a combined file and previewing the combined file that contains at least some of the content extracted from the first level content files and content from the content package file.

It should be noted that claim 1 recites retrieving references to first level content files, extracting content from the first level content files, replacing references with the extracted content to create a combined file, removing those references from the combined file, and creating a preview wherein information rendered by the preview displays at least some of the content extracted from the first level content files and content from the content package file.

This set of steps is not disclosed or suggested in Basin. If it were, one would expect to see at least an illustration like Fig. 9 with content from the archive (assuming the archive were the same as a content package file) and content from files contained within that archive file (assuming the contained files were the same as first level content files), or some portion of the specification describing such. Instead, what Basin shows is a log screen listing statuses of actions taken. Even assuming that Basin's Fig. 9 suggests a display of an archive file's content, which that particular figure is not, that still would not suggest a preview of the claimed combined file.

Krause also fails to disclose or suggest those steps. Krause does disclose, at column 3, lines 22-28 and accompanying figures, that contents of one file can be displayed along with meta-data about that one file obtained from a second file. However, that is not relevant in view of what is claimed. The claimed preview displays at least some of the content extracted from the first level content files and content from the content package file. In a given embodiment, the preview might also display meta-data and that meta-data might come from somewhere else besides a first level content file, as in Krause, but it would still display "at least some of the content extracted from the first level content files and content from the content package file" and that is not disclosed or suggested by those cites in Krause and does not appear to the Applicant to be found in the remainder of Krause. Krause does teach the viewing of contents of a file found in an archive, but that is not the same as displaying the claimed preview.

The remaining references do not make up for what the combination of Basin lacks and were not cited for that purpose, so the Examiner cannot now (without reopening prosecution) replace what Basin lacks with something from another cited reference, even if such teachings were available in the other references, which does not appear to be the case. None of the cited references appear to include anything that could be mapped to the combined content file.

Claims 11, 19 and 25 contain similar limitations not found in the cited references, so the rejections of each of the claims should be reversed.

**8. CONCLUSION**

For these reasons, it is respectfully submitted that the rejection should be reversed.

Respectfully submitted,

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## **9. CLAIMS APPENDIX**

1. (previously presented) A method for generating a preview of a content package file, the method comprising:

retrieving references to first level content files from the content package file, wherein the first level content files are separate files from the content package file;  
extracting content from the first level content files;  
replacing references to the first level content files in the content package file with the content extracted from the first level content files to create a combined file;  
removing the references from the combined file; and  
creating a preview of at least a portion of the content package file based on the content in the combined file, wherein information rendered by the preview displays at least some of the content extracted from the first level content files and content from the content package file, wherein the preview displays a version of the content package modified with the content from the combined file, wherein the preview occurs prior to generating a modified content package file from the combined file.

2. (original) The method according to claim 1 wherein the preview of the content package file includes meta-data about the first level content files.

3. (original) The method according to claim 1 further comprising:  
determining whether the first level content files contain references to second level content files.

4. (original) The method according to claim 3 further comprising:  
if the first level content files contains references to second level content files, retrieving the second level content files;  
extracting content from the second level content files and replacing the references with content from the second level content files.

5. (original) The method according to claim 4 wherein the preview of the content package file contains information about the first level and the second level content files in an hierarchical format.

6. (original) The method according to claim 5 wherein the hierarchical format of the preview is expandable to view the information about the first level and the second level content files.

7. (original) The method according to claim 1 further comprising:  
importing the content package file to a portal server computer.

8. (original) The method according to claim 7 further comprising:  
storing the content package file and the first level content files on the portal server computer, wherein the first level content files overwrite duplicative files that are stored on the portal server computer.

9. (original) The method according to claim 7 further comprising:  
storing the content package file and the first level content files on the portal server computer, wherein the first level content files do not overwrite duplicative files that are stored on the portal server computer.

10. (original) The method according to claim 1 further comprising:  
displaying a notification if any of the references to any content files contain errors.

11. (previously presented) A computer program product for previewing a content package file comprising code stored on a computer readable medium, the code comprising:  
code for fetching references to first level content files from the content package file,  
wherein the first level content files are separate files from the content package file;  
code for obtaining content from the first level content files;  
code for replacing references to the first level content files in the content package file with the content extracted from the first level content files to create a combined file;

code for removing the references from the combined file; and  
code for generating a preview of the content package file based on the content in the combined file, wherein information rendered by the preview displays at least some of the content extracted from the first level content files and content from the content package file, wherein the preview displays a version of the content package modified with the content from the combined file, wherein the preview occurs prior to generating a modified content package file from the combined file.

12. (original) The computer program product of claim 11 further comprising:  
code for displaying a notification if any of the references to the first level content files contain errors.

13. (original) The computer program product of claim 11 further comprising:  
code for determining whether any of the first level content files contain references to second level content files.

14. (original) The computer program product of claim 13 further comprising:  
code for fetching the second level content files referred to in the first level content files;  
code for obtaining content from the second level content files;  
code for replacing the references to the second level content files with the content from the second level content files to create the combined file.

15. (previously presented) The computer program product of claim 14 wherein the code for previewing the content package file displays the content from the first level and the second level content files in a hierarchical format.

16. (original) The computer program product of claim 15 wherein the hierarchical format is expandable to view the content from the first level and the second level content files.

17. (original) The computer program product of claim 11 further comprising:

code for importing the content package file to a portal server computer.

18. (original) The computer program product of claim 11 further comprising:  
code for storing the content package file and the first level content files on the portal server computer so that the first level content files do not overwrite duplicative files stored on the portal server computer.

19. (previously presented) A computer system that previews a content package file containing references to content files, the computer system comprising:  
a portal server that fetches references to content files from the content package file, wherein the content files are separate files from the content package file, fetches the content files associated with the references, replaces the references to the content files with content extracted from the content files to create a combined file, removes the references from the combined file; and creates a preview screen of the content package file and the content files using the combined file; and  
a client that displays the preview screen, wherein information rendered by the preview screen displays at least some of the content extracted from the first level content files and content from the content package file, wherein the preview screen displays a version of the content package file modified with content from the combined file, wherein the preview screen displays the modified version of the content package file prior to the portal server importing the content package file and the content files from the client.

20. (original) The computer system according to claim 19 wherein the preview screen displays a notification if any of the references contain errors.

21. (previously presented) The computer system according to claim 19 wherein the preview screen displays the content from the content files in a hierarchical format.

22. (original) The computer system according to claim 19 wherein the portal server imports the content package file and the content files from the client if a user selects an import option after viewing the preview screen.

23. (original) The computer system according to claim 19 wherein the content files include first level content files and second level content files.

24. (original) The computer system according to claim 19 wherein the preview screen displays meta-data about the content files.

25. (previously presented) A method of previewing the generation of a content package file, the method comprising;

obtaining references to first level content files from a content package file, wherein the

content files are separate filed from the content package file;

extracting content from first level content files referred to in a content package file;

extracting content from one or more lower level content files referenced to the first level content files;

replacing references to the first level content files and the one or more lower level content files with at least some of the extracted content to generate a combined content file representing a modified version of the content package file;

removing the references from the combined content file; and

previewing the modified version of the content package file to determine if there are issues associated with generating a modified content package file using the combined file content.

26. (previously presented) The method of claim 25, wherein the issues comprise errors associated with file location or file name.

27. (previously presented) The method of claim 25, wherein previewing the combined content file comprises identifying any of the first level content files or any of the one

or more lower level content files that overwrite existing files to generate the modified content package file.

28. (previously presented) The method of claim 27, wherein identifying comprises providing an option for allowing or disallowing overwriting existing files with the first level content files or any of the one or more lower level content files.

**10. EVIDENCE APPENDIX**

NONE

**11. RELATED PROCEEDINGS APPENDIX**

NONE

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